

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IRONSHORE INSURANCE LTD.,

Plaintiff,

-vs.-

WESTERN ASSET MANAGEMENT
COMPANY,

Defendant.

CIVIL ACTION No. 11-CIV-5954-LTS

ECF CASE

ORAL ARGUMENT REQUESTED

**MOTION OF DEFENDANT WESTERN ASSET
MANAGEMENT COMPANY FOR CERTIFICATION OF
INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b)**

Defendant Western Asset Management Company (“Western”), pursuant to 28 U.S.C. § 1292(b), moves this Court to amend its May 30, 2012, Order (ECF No. 30) and certify for interlocutory appeal a question of law concerning whether Plaintiff’s claims against Western, Plaintiff’s investment adviser, are subject to the three-year statute of limitations of CPLR 214(6) which governs “an action to recover damages for malpractice, other than medical, dental or podiatric malpractice, regardless of whether the underlying theory is based in contract or tort.”

This Motion is supported by the concurrently filed Memorandum of Points and Authorities and such other argument and evidence as may be presented in Reply or at a hearing on the Motion.

In accordance with this Court’s Individual Practice Rule, Defendant’s counsel exchanged letters and conferred by telephone with Plaintiff’s counsel in order to use their best efforts to resolve the matter raised by this Motion but were unable to do so.

Dated: June 18, 2012

Respectfully submitted,

/s/Sean Eskovitz

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2012, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned document to be served via first class mail, postage prepaid upon the non-CM/ECF participants.

/s/Sean Eskovitz
Sean Eskovitz